

महोदय, आपको मालूम है कि बिहार से अभी भी दूसरे राज्यों में मजदूरी करने के लिए लाखों की तादाद में मजदूर लोग पलायन करते हैं, जिसके कारण बिहार में जाने वाली एवं आने वाली ट्रेनों में भीड़ का तांता लगा रहता है। उसके बाद सिंगल ट्रेक होने के चलते घंटों तक रेलगाड़ी स्टेशन पर रुकी रहती है और कभी भी अपने नियत समय पर नहीं पहुंच पाती है। इससे यात्रियों को बहुत ही असुविधा झेलनी पड़ती है। यह रेल लाइन नेपाल की सीमा तक जाती है एवं नेपाल के ज्यादातर यात्री भारत-नेपाल सीमा से सटे होने के कारण अक्सर भारतीय रेल से सफर करना ही पसंद करते हैं, जिससे भारतीय रेल को इससे काफी राजस्व का भी फायदा होता है। अतः आपके माध्यम से मैं माननीय मंत्री जी से अनुरोध करना चाहूंगा कि वे बिहार के हाजीपुर ज़ोन के हाजीपुर से मुजफ्फरपुर एवं समस्तीपुर से दरभंगा तक दोहरी रेल लाइन बिछाने हेतु आवश्यक कदम उठाने का कष्ट करें।

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### GOVERNMENT BILL

#### Statutory Resolution Disapproving the Citizenship (Amendment)

Ordinance, 2015 (No. 1 of 2015)

and

#### The Citizenship (Amendment) Bill, 2015

MR. DEPUTY CHAIRMAN: Shri Motilal Vora, not present. Those who could not lay, they can try again before we adjourn. Now, we will take up the Statutory Resolution by Shri Derek O'Brien and the Citizenship (Amendment) Bill, 2015 together.

SHRI DEREK O'BRIEN (West Bengal): Mr. Deputy Chairman, Sir, I move:

That this House disapproves the Citizenship (Amendment) Ordinance, 2015 (No.1 of 2015) promulgated by the President of India on 6th January, 2015.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJU) : Sir, I move:

That the Bill further to amend the Citizenship Act, 1955, as passed by Lok Sabha, be taken into consideration.

SHRI DEREK O'BRIEN (West Bengal): : Sir, I have only two lines to say on the Bill, but a little more on the Statutory Resolution of mine. On the Bill itself, we have absolutely no issues. It is a very good idea to merge the PIO and the OCI schemes, and to make it easier for the people to avail of this. In my own family, my wife is in this category, my brother is in this category. So, this is very, very good. I have no issue at all with the Citizenship (Amendment) Bill.

Sir, the issue is broader one of using the Ordinances. There is a lot of talk in the last three weeks who used more Ordinances, whether it is the Congress Party

[Shri Derek O'Brien]

or the other party. I have to make just four or five points. Please allow me to make these points. Firstly, let us look at the history of these Ordinances because even when the Finance Minister was here he was throwing the numbers that 800 Ordinances were issued by the Congress Party, etc. So, I think, we need to get some clarity on who is a bigger sinner. Let me give you some history, and some real numbers. When Pandit Nehru was the Prime Minister of India, if you take the number of Bills passed through Ordinances, it was for every 10 Bills passed, there was one Ordinance.

Then, we come to the Janata Party. For every 10 Bills, the Janata Party had 1.5 Ordinances. Then, you come to Mrs. Indira Gandhi's period, for every 10 Bills, she had 1.9 Ordinances. During the NDA, for every ten Bills passed, two Ordinances were promulgated. Now, you come to the current figures, the figures of this Government. In the last nine months, for every ten Bills passed, four Ordinances were promulgated. This is the first point that I wish to register, Sir, that we have too many Ordinances.

Now, in the first place, why do we have an Ordinance? An Ordinance is promulgated when the Legislature is not in Session and immediate action is required. What was the immediate action required? There are three very relevant dates here. First, the Prime Minister made a speech at the Madison Square Garden on 28th September. There was a big crowd there. Fine! I have no problem with that. On the 23rd of December, this Bill was introduced in the Lok Sabha. We convened here on the 23rd of February. Why was there such a hurry that on a Bill that was introduced in the Lok Sabha on the 23rd of December, you had to bring an Ordinance on the 6th of January? My contention is, it was not required to bring this Ordinance in such a hurry.

Sir, if we look back, let me give you two quick examples. In 1978 -- and there have been good reasons why there have been Ordinances -- the Morarji Desai Government had issued an Ordinance because of the demonetization which took place in regard to thousand rupee notes, five thousand rupee notes and ten thousand rupee notes; it was a matter of importance and an urgency. In 2013, UPA-II brought a criminal law amendment Ordinance. We all know the reason why that was brought, Sir.

Sir, the point is, this is an issue of propriety. Nobody says that we do not want Ordinances. The issue is one of propriety. The issue, which is becoming a major bone of contention through this Ordinance route, is the issue of FDI in insurance. The Bill is the property of the Rajya Sabha. Now, we know another Bill has been introduced in the Lok Sabha. The Bills are identical. All my colleagues have asked you for a ruling on this. So, again, it is creating some confusion.

Sir, I would not like to take any more time. But, to remind this House, the makers of the Constitution and all the very senior people who have set up precedents here, have given us some examples. We must tread cautiously. We must tread carefully. What happened yesterday? Someone was saying it is only the third time or the fourth time. This is the message I want to leave with the Government today. Please tread cautiously and please do not bulldoze your way. And sometimes remember what the first Speaker of the Lok Sabha said. The first Speaker of the Lok Sabha said, "If Ordinances were not limited by convention only to extreme and urgent cases, the Government may go on issuing Ordinances and Parliament has no option but to be a rubber stamp".

Sir, let it be known that nobody wants and nobody can make this august House a rubber stamp. As I said, we have no issues on the Bill. But I thought, within the rules of this great parliamentary democracy, I could use this opportunity, by bringing up the Statutory Resolution, to make my points on the dangers of issuing Ordinances.

I want to also assure the hon. Minister that when the Statutory Resolution is taken up at the end, I won't press for it. So, the Minister can breathe easy!

*The questions were proposed.*

MR. DEPUTY CHAIRMAN: Thank you. Shri Vayalar Ravi.

SHRI VAYALAR RAVI (Kerala): Sir, this legislation is very important as far as the overseas Indians are concerned. This had been moved by the previous Government. I am glad that this Bill has come up today for the approval of this House.

Sir, the Bill is not very complicated. It is very simple and clear. It concerns Indian citizens living abroad. He may be a citizen of some other country too, but he can get the Overseas Citizenship of India card, provided the relevant rules and regulations have been followed.

Sir, the Overseas Citizens of India have become an important component of India's progress. They represent our country. Even though they may be citizens of other countries, they never forget that their origin lies in India. That feeling of Indian-ness is the biggest asset to the Overseas Citizens of India. We go to many countries and meet citizens of Indian origin there; they always speak with pride about our country and their citizenship. Therefore, we must surely recognize their contribution as Indians even though they may be citizens of other countries. At the same time, this legislation offers them the right to register themselves as citizens of India and, being citizens of India, they could get various benefits, including the right to vote.

[Shri Vayalar Ravi]

Sir, this legislation has been welcomed by Indians all over the world. They are very happy to hear that the Government of India recognizes them, recognizes their contribution to our country and considers them one of its greatest assets. This Bill may be simple, but it gives recognition to the Indians living abroad. I hope, this Bill brings cheer to all those Indians.

MR. DEPUTY CHAIRMAN: It must be your baby!

SHRI VAYALAR RAVI: Of course, Sir, but I would not say that! I am glad that this Government has brought this Bill. We may pass it. By passing it, I believe, we are sending a message to the Indians living abroad that here is their country which recognizes them as its own. This is the message that has been sent out by this Bill. I have to just say that this Bill has to be passed. I support this Bill. Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Mr. Vayalar Ravi. Now, Shri Meghraj Jain.

**श्री मेघराज जैन** (मध्य प्रदेश): माननीय उपसभापति महोदय, मैं नागरिकता संशोधन विधेयक, 2015 का समर्थन करने के लिए खड़ा हुआ हूँ। इस विधेयक से भारतीय मूल के वे नागरिक, जो विदेशों में रहते हैं, जिनके माता-पिता या दादा-परदादा विदेशों में रहते थे और जब उनके ऊपर किसी प्रकार की मुसीबत आती थी, तो उन्हें इधर-उधर जाकर अनेक राष्ट्रों में शरण लेनी पड़ती थी। इस विधेयक के पारित होने के बाद उन्हें इससे राहत मिलेगी। अब से काफी वर्ष पूर्व कुछ देशों में यह हुआ कि भारतीय मूल के लोगों के खिलाफ एक अभियान चलाया गया, उनकी संपत्तियां नष्ट की गईं और उनके जीवन पर आफत आई, तब वे भागकर अनेक देशों में गए। चूंकि भारत में इस प्रकार की सुविधा नहीं होने के कारण, उनका रुख भारत की तरफ नहीं हो सका।

[उपसभाध्यक्ष (डा. सत्यनारायण जटिया) पीठासीन हुए]

उपसभाध्यक्ष महोदय, हम सब लोगों के मन में यह पीड़ा थी और इस कारण बाद में आने वाली सरकारों ने इसमें कुछ परिवर्तन किए।

महोदय, जो परिवर्तन पहले किए गए उनमें यह था कि जब वे आते थे, तो पी.आई.ओ. के अनुसार उन्हें 15 साल के लिए वीजा दिया जाता था। उसके बाद उन्हें हर छः महीने में पुलिस स्टेशन जाना पड़ता था। यह जो नया विधेयक आया है, इसमें भारतीय विदेशी नागरिक, जो भारत के नागरिक रहे हैं और विदेशों में जाकर बस गए हैं, उन्हें ओ.सी.आई. योजना में माना गया और उन्हें जो सुविधा दी गई थी, उसी प्रकार की सुविधा हमारे पी.आई.ओ. कार्ड धारकों को भी देने का इस विधेयक में प्रावधान किया गया है। इसके कारण वे हिन्दुस्तान में आकर अपनी संपत्ति खरीद सकेंगे और जब वे भारत आएंगे, तो उन्हें एक साल तक लगातार भारत में रहने पर, पहले जिस प्रकार का प्रतिबन्ध था, वह अब नहीं होगा और इस दौरान वे 30 दिन के लिए विदेश जा सकेंगे। यह छूट उन्हें मिली है।

महोदय, तीसरी बात इस विधेयक में यह है कि विलय के बाद भारतीय मूल के लोगों को हमेशा के लिए भारत में रहने की इजाजत होगी। जब वे यहां शादी करते थे और उसमें उन्हें

जो परेशानियां आती थीं, वे परेशानियां भी अब इस विधेयक के पारित होने के बाद समाप्त हो जाएंगी। इतना जरूर है कि वे यहां रह कर के भारत की उन्नति में अपना योगदान कर सकेंगे। विदेशों में रहने वाले हमारे भारतीय मूल के जो लोग हैं, उनका अपनी जड़ों की ओर लौटने का भाव बन सकता है। क्योंकि हर मनुष्य पर जब कहीं संकट आता है, आफत आती है तो अपना घर, अपना परिवार, चाहे वह झोंपड़ी ही क्यों न हो, उसमें शरण लेने की उसकी इच्छा होती है। इस कानून के कारण हम 44 देशों में बसे हुए भारतीयों को लाभ दे सकेंगे, यह इस विधेयक में है, जो कि बहुत अच्छा विधेयक है, इसलिए मैं इस विधेयक का समर्थन करता हूँ, धन्यवाद।

**श्री विशम्भर प्रसाद निषाद (उत्तर प्रदेश) :** माननीय उपसभाध्यक्ष महोदय, मुझे समाजवादी पार्टी की तरफ से नागरिकता (संशोधन) विधेयक, 2015 पर बोलने का मौका दिया गया है। इसमें कुछ खास बातें रखी गई हैं जैसे कि "भारत का कार्डधारक विदेशी नागरिक" से ऐसा व्यक्ति अभिप्रेत है जो धारा 7(क) के अधीन केंद्रीय सरकार द्वारा भारत के कार्डधारक विदेशी नागरिक के रूप में रजिस्ट्रीकृत है और इसमें "एक वर्ष" के स्थान पर "बारह मास" शब्द रखा गया है। इसी तरह से इसमें जो प्रावधान किया गया है, वह अच्छा है, क्योंकि हमारे देश के लोग पूरी दुनिया में प्रवास कर रहे हैं। उनके बाबा, परबाबा भारतीय थे। तमाम लोग आज वैज्ञानिक हैं, इंजीनियर हैं, डॉक्टर हैं, कहीं न कहीं उनकी भारत के प्रति मूल भावना है कि हम अपने देश में जाकर अपने देश के लोगों की सेवा करें। यह जो बिल लाया गया है, यह बहुत अच्छा है, लेकिन इसमें कुछ कठिनाइयां हैं। जो बंगलादेशी हैं, जो दूसरे तमाम लोग हैं, चाहे वे नेपाली हैं, जो हमारे देश में आ गए हैं और जिनसे कुछ आतंकवाद बढ़ता है, इस पर भी निगाह रखने की आवश्यकता है। इसके लिए भी कानून बनाने की आवश्यकता है क्योंकि आज हमारे देश में कोई व्यक्ति आ जाए और किसी भी निर्वाचन कार्यालय में जाकर अपना आई.डी. कार्ड बनवा ले, बहुत सी ऐसी घटनाएं हुई हैं कि ऐसे लोग आई.डी. कार्ड बनवा कर ट्रेन में यात्रा करते हैं, हवाई जहाज में यात्रा करते हैं, जिनमें ऐसी तमाम घटनाएं होती हैं। तो इसको ठीक से देखने की आवश्यकता है और इसमें संशोधन करने की आवश्यकता है। वैसे हमारे माननीय प्रधान मंत्री जी ने जो वादा किया था, वे अफ्रीका गए, अमेरिका गए, उन्होंने अपना वादा पूरा किया, लेकिन जल्दबाजी में वे तुरंत ऑर्डिनेंस लाए, जबकि उन्हें पार्लियामेंट में पहले बिल लाना चाहिए था। ऑर्डिनेंस के माध्यम से उन्होंने नागरिकता देने का काम किया, वह जल्दबाजी का कदम है और हम समझते हैं कि इसमें जो 15,000 रुपए फीस देनी पड़ती है, यह उनके लिए ज्यादा है, जो बहुत दिनों से रह रहे हैं और मूल भारतीय हैं। परीक्षण के बाद यह पता चला कि यह उनके लिए ज्यादा है।

इसके अलावा जो लोग बंगलादेश से माइग्रेट हुए, हमें अपेक्षा थी कि आप उनके बारे में कोई प्रोविजन इस बिल में लेकर आएंगे। रियांग ट्राइबल्स जो मिजोरम के हैं, वे अपने स्टेट में वापस आएंगे, लेकिन उन्हें अभी तक वोटिंग राइट्स नहीं मिले हैं, तो ये तमाम मामले हैं, जिनके बारे में इसमें उल्लेख नहीं है। नॉर्थ-ईस्ट बंगलादेशी immigrants के बारे में भी इस बिल में कोई मेशन नहीं है। वैसे मैं ज्यादा इसमें नहीं कहूंगा क्योंकि बिल की जो मूल भावना है, पूरे विश्व में जो हमारे लोग रह रहे हैं, हमें एक बार अमेरिका में शिकागो जाने का मौका मिला था, तो हमने देखा, वहां तमाम वैज्ञानिक, डॉक्टर थे जो आपस में डिस्कशन कर रहे थे। पार्लियामेंटरी कमेटी वहां गई थी, उससे उन्होंने कहा कि हमें नागरिकता का अधिकार मिले और हमें डबल वीजा की व्यवस्था हो, जिससे कि हम लोग अपने देश के लिए काम कर सकें। अतः यह विधेयक जनहित में है, इसलिए मैं इसका समर्थन करता हूँ।

SHRI BHUPINDER SINGH (Odisha): Mr. Vice-Chairman, Sir, this Bill has, definitely, given a lot of relief to the overseas Indians. I, on my own behalf and on behalf of my party, BJD, stand here to support this Bill. Sir, we have given them the right of a citizen, but there is not a single political right. There are so many clauses of the Bill, but the time at my disposal is very short. So, I will not go into the details. They will not have the right to vote. So, once they do not have the right to vote, they cannot contest any election. I am given to understand that the biggest relief for them is they would not need any visa to come to their own country. That is a good relief.

I would like to bring one thing to the notice of the hon. Minister. Sir, when they come to India, they are not treated well, right from the airport to the bank. That is their complaint. When they go to a bank, the bank does not receive them in a way they should be received. It is their own money. They bring foreign currency to our country. The bank asks them to bring somebody to identify them even when they show their passports. These are the things which hurt them. The Government should see to it that they are treated well, and they should feel friendly at every point wherever they go. That is the most important thing for these citizens, which the Government should do. It is definitely a welcome step. But will it not contradict the Constitution of India? Once you become a citizen, you get the right to vote, the right to liberty and every other right as an Indian citizen. But what is the intention behind this? Actually, they cannot have the right to vote. Why is it so? Can they be given the right to vote? What is the view of the Government in this regard? While drafting this Bill, did the Government think of giving them the voting right? What repercussions it will have, if they are given the voting right? Has the Government applied its mind in this regard? Will the Government explain the very intention behind it?

Sir, I would like to make an appeal to the Government. There was no reason, or nowhere do I find any reason to go in for an Ordinance. This House, the other House, and all of us are unanimous on this point. It is for our own citizens. Sir, it was to come into force from the 6th of January, 2015. It is already in force. It is already in force from the 6th of January. It is just a formality which we, the Members of Rajya Sabha, are doing here because it is already in force. It has already become law, when His Excellency, the President of India, signed it. I will be very happy if the hon. Minister explain to the House as to what was the urgency to issue an Ordinance. The hon. President has also made a mention of it. It is a fundamental right of the Parliamentarians to debate, discuss and pass the Bill in a decent way. This was meant for our people, whether they are in India or outside. The beneficiaries are our own people. So, when you give some benefit to our own people, nobody will object to it. But what was the urgency to bring such

an Ordinance? I hope the Minister will explain it. Thank you.

SHRI A.W. RABI BERNARD (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise to support the Citizenship (Amendment) Bill, 2015, on behalf of my party, the All India Anna Dravida Munnetra Kazhagam.

Care and concern for our brothers and sisters living beyond our shores has been of paramount importance to my leader, hon. Madam Jayalalithaaji. Whether it is a construction worker in the Middle-East or a fisherman in Africa or a student in America or a nurse in Afghanistan, whenever they face adversity, Madam Jayalalitha has extended a very generous hand towards them. Hence I welcome this Bill and I support this Bill. I welcome this Bill for many reasons. It *inter alia* provides for merger of Persons of Indian Origin cardholders and Overseas Citizens of India cardholders. This gives them enormous freedom to come to India, to be in India, to buy properties, to spend as much as they want in India. When we talk about Overseas Indian Citizens and Persons of Indian Origin, what do we talk about? We talk about our brothers and sisters who go all over the world as ambassadors of Indian culture. They go as our extensions. They go as our ambassadors to the world to talk about Indian culture, Indian tradition, Indian economy, etc. We are talking about a community of men and women who contribute enormously to our economy. The Overseas Indian Citizens, Persons of Indian Origin and Non Resident Indians contribute to around five per cent of the GDP. They remit more than 75 billion U.S. dollars annually. It is interesting to note that our brothers, who work as humble construction workers, drivers, super market employees, clerks, etc., in the West Asia, that is, the Middle-East, contribute 31 per cent of these 75 billion U.S. dollars. Our sisters and brothers, in the North America, who go there as computer professionals, software engineers, doctors, etc. contribute 29 per cent of these 75 billion dollars. And the intellectuals who have gone to Europe contribute about 19 per cent of the 75 billion dollars. I myself was a Non-Resident Indian for a long period of my life, and many in my family continue to be Persons of Indian Origin. As we discuss this Bill, I appeal to the Government that we must fully recognize their contribution. The overseas foreign workers are the backbone of the petrodollar economy. I genuinely feel that we are not attaching any importance to the kind of contribution which they make to our economy. Seventy five billion dollars annually is a huge amount. And these are people who leave their homes, go to many countries, live in adversity but, constantly, think of India. Their heart is filled with emotions for India. I remember Mahakavi Bharathi who sang about migrant Indian workers who were working in the Fiji Sugarcane plantation. Bharathi said,

*“Veettai Ninaipaaro, Sonda Naattai Ninaipaaro, Avar vimmi  
vimmi dhinam vimmi azhum kural kettu iruppai katre.”*



[Shri A.W. Rabi Bernard]

That is, when they live, their heart is full of Indian thoughts. Their heart is with the home. Their feelings are with India. We should recognize their contribution. My request is, show kindness to them when they come to India. They must be received well during their home visits. They should not be harassed. Simple changes could be made without any financial implications, like special immigration counters must be created for them. After a long and tedious plane journey they should not be made to wait in a long queue for immigration clearance. Our customs officials should be generous to them within the ambit of law. Our Police must be courteous to them. Our airport officials should receive them warmly. This will go a long way to give them enormous confidence that here is a nation waiting for their homecoming. At this juncture, Sir, I appeal to the Government of India not to contemplate on repatriating Sri Lankan Tamil refugees in Tamil Nadu. There are more than a hundred thousand Sri Lankan Tamil refugees in Tamil Nadu in various parts. Madam Puratchi Thalaivi Amma Jayalalitha is spending ₹ 111 crores annually for them. The Lankan Tamils in Sri Lanka are still living in camps for internally displaced people. Till their problems are solved well, till they are settled well, Government of India should not think about repatriating Sri Lankan Tamils from India. With these words I welcome this Bill. Thank you, Sir.

**श्री वीर सिंह** (उत्तर प्रदेश) : महोदय, मैं नागरिकता (संशोधन) विधेयक 2015 पर बहुजन पार्टी की तरफ से बोलने के लिए खड़ा हुआ हूँ। मैं आपको धन्यवाद देता हूँ कि आपने मुझे इस विषय पर बोलने को मौका दिया और साथ ही मैं अपनी नेता आदरणीय बहन कुमारी मायावती जी का भी आभार व्यक्त करता हूँ कि उन्होंने मुझे इस बिल पर बोलने के लिए अवसर दिया।

महोदय, हमारे देश के लाखों नागरिक विश्व में काफी समय से जाते रहे हैं और वहाँ प्रवास कर रहे हैं तथा वे हमारे देश की संस्कृति व सभ्यता को विश्व में फैलाने का काम करते हैं। उनकी सुविधा के लिए यह बिल लाया गया है। महोदय, इस बिल में नागरिकता अधिनियम 1955 संविधान के प्रारंभ होने के पश्चात् जन्म अवजनन, रजिस्ट्रीकरण, देशीकरण और राज्य क्षेत्र के मिल जाने से भारत की नागरिकता के अर्जन और अवधारण का तथा कतिपय परिस्थितियों के अधीन नागरिकता के त्यजन, पर्यवसान और वंचन का उपबंध करने का प्रावधान है।

महोदय, भारत का संविधान पूरे देश के लिए एकमात्र नागरिकता उपलब्ध कराता है, जिसका उल्लेख अनुच्छेद 5 से 11 में है। भारतीय कानून अधिकारिता नियम 1955 है, जिसमें समय-समय पर संशोधन किए गए हैं। कानून के अनुसार भारतीय नागरिकता जन्म के द्वारा, वंश के द्वारा, पंजीकरण के द्वारा, समीकरण के द्वारा हो सकती है। भारत की विदेशी नागरिकता एक भारतीय राष्ट्रियता का रूप है। भारतीय संविधान दोहरी नागरिकता अथवा दोहरी राष्ट्रियता को अस्वीकार करता है। केंद्र सरकार एक व्यक्ति को आवेदन करने पर भारत के एक विदेशी नागरिक के रूप में पंजीकृत कर सकती है, यदि वह व्यक्ति भारतीय मूल का है और ऐसे देश से है, जो किसी एक या अन्य रूप में दोहरी नागरिकता की अनुमति देता है। यदि भारतीय माता-पिता के



बच्चे स्वतः ही भारतीय मूल या नागरिकता को पूरा नहीं करते हैं, इसलिए स्वतः ही वे भारत की नागरिकता के पात्र नहीं हैं। भारतीय मिशनों को ऐसे मामलों में 30 दिन के भीतर भारत की विदेशी नागरिकता को देने के लिए प्राधिकृत किया गया है।

महोदय, वर्तमान कानून में भारतीय नागरिकता के लिए भारत में लगातार एक वर्ष तक रहना अनिवार्य है, लेकिन अगर केंद्र सरकार संतुष्ट है, तो विशेष परिस्थितियों में इसमें छूट दी जा सकती है। इस प्रकार विशेष परिस्थितियों के बारे में लिखित रिकार्ड दर्ज करने के बाद विशेष 12 माह के लिए छूट दी जा सकती है, जो अधिकतम 30 दिन के लिए अलग-अलग अंतराल के बाद दी जा सकती है, जो कि एक सराहनीय कदम है। भारतीय नागरिकों के ओसीआई नाबालिग बच्चों का प्रवासी भारतीय नागरिक के तौर पर पंजीकरण की शर्तों को उदार बनाया गया है। ऐसे नागरिकों के बच्चों या पोते/पोतियों अथवा परपोते/परपोतियों के लिए प्रवासी भारतीय नागरिक के तौर पर पंजीकरण का अधिकार होगा। धारा 7ए के तहत पंजीकृत प्रवासी भारतीय के पति या पत्नी या भारतीय नागरिक के पति या पत्नी के लिए प्रवासी भारतीय नागरिक के तौर पर पंजीकरण का अधिकार होगा और जिनकी शादी दो वर्ष की अवधि के लिए पंजीकृत या कायम रही हो, वे तुरंत ही इस धारा के तहत आवेदन कर सकते हैं। वर्तमान पीआईओ कार्डधारकों के सम्बन्ध में केंद्र सरकार आधिकारिक राजपत्र में अधिसूचित कर यह स्पष्ट कर सकती है कि सभी मौजूदा पीआईओ कार्डधारकों को ओसीआई कार्डधारकों के रूप में बदलने का निर्णय लिया गया है। ...**(समय की घंटी)**...

**उपसभाध्यक्ष (डा. सत्यनारायण जटिया) :** वीर सिंह जी, कृपया समाप्त कीजिए।

**श्री वीर सिंह :** महोदय, विदेशों में हमारे जो नागरिक रहते हैं, उनके लिए जो समस्याएँ हैं, जैसे उनको वीजा बनाने में दिक्कत आती है, पुलिस के द्वारा जो रिपोर्ट लगाई जाती है, उसमें भी परेशानी आती है, उनका समाधान किया जाए।

इन्हीं सुझावों के साथ, मैं इस बिल का समर्थन करता हूँ। धन्यवाद।

SHRIMATI JHARNA DAS BAIDYA (Tripura): Mr. Vice-Chairman, Sir, this Bill seeks to merge the PIO and the OCI Cards together. It is welcome, because, if they get long Visas, they would not be forced to go to a police station, stand in a queue and argue with police officials.

I am happy that it is being done away with. But, Sir, there are certain apprehensions which I would like to bring to the notice of the hon. Minister. Sir, clause 4 speaks about who is eligible for citizenship. Here, I would like to invite the attention of the hon. Minister to clause 4 which proposes to replace Section 7A of the parent Act. The proposed Section 7A(1)(a)(iv) says, "who is a child or a grandchild or a great grandchild of such a citizen." I want to know from the hon. Minister whether other countries also have such a clause. If other nations in the world do not adhere to this principle, why should we alone adhere to such principle?

[Shrimati Jharna Das Baidya]

Sir, now, I would touch upon clause 7B (2). It says, "An Overseas Citizen of India Cardholder shall not be entitled to the rights conferred on a citizen of India." Sir, here, nine rights have been mentioned concerning election as President, Vice-President, Judge of the Supreme Court, Judge of the High Court, etc. But, apart from these, there are many other positions which OCI Cardholder can hold. What about a person becoming an office-bearer of a political party? What about a person becoming the President of the Chamber of Commerce? So, all these things need clarification.

Then, Sir, the last line of Clause 4, 7D (f) (ii), says, "has not been dissolved but, during the subsistence of such marriage, he has solemnised marriage with any other person." Here, my contention is that the word 'he' should be replaced with the word 'the said Overseas Citizen of India Cardholder.'

Sir, before concluding, it is a matter of importance for our brothers and sisters working abroad. It is regarding five million Indian people who are working abroad. This Bill should not be contemplated just for the people of the United States. It should be applicable to other persons also, including those who are working in the Gulf countries. Their plight should also be addressed.

With these words, I conclude my observations. Thank you.

SHRI M.P. ACHUTHAN (Kerala): Sir, thank you. I support this Bill. It is a long-pending demand of the overseas Indians, especially of those working in the U.S., Canada, Europe and Australia. This will help them because they need not go to the police station when they come back; visa restrictions also will not be there. I have got one doubt and the Bill is silent about it. If an Overseas Indian Card holder renounces his card and comes back to India, would he be reinstated as an Indian citizen or would there be a gestation period? If so, for how many months or years does he need to wait? Only by getting the citizenship would he get a job in the Government service or contest elections and so on? In order to be reinstated as a citizen, what is the period? Is it one year or five years? This Bill is silent about it. I think, the Minister will be kind enough to clear this doubt.

Sir, another thing is that when we say 'overseas Indians', a vast majority of them are in Gulf countries. Their problems are not being addressed by our Government and in this Bill also. They are ordinary workers and they are being harassed by the concerned authorities in India and in Gulf countries. Many of them are coming back and there is no concrete proposal before the Government for their rehabilitation. The Government is silent about their rehabilitation and giving them a decent life in India.

They are contributing, as Mr. Bernard has said, 70 billion US\$ as remittances from overseas Indians to India. It is a backbone of our economy. But, we are not giving them due respect. We are not solving the problems being faced by them. In Gulf countries, the Indian Embassies are not caring for them. There are not enough staff members. When our countrymen approach the Indian Embassies in Gulf countries, they are not being cared. They are being arrested. They are being jailed. Nobody from our Embassy will go and meet them and enquire about their problems, help them solve the problems and repatriate them. But the experience of other countries, especially of Philippines and Sri Lanka, their Embassies intervene in each and every case. But our people, especially those going from Kerala, say that nobody cares. Indian Embassies totally neglect our people in Gulf countries. So, the Government, when it talks about the overseas Indians, should not neglect this vast majority of lakhs of Indians working in Gulf countries. I hope that the Government will come forward with concrete proposals to help them.

Sir, when they come back, the Customs officials, police and everyone harass them. They treat them as if they bring with them gold. That is the attitude of the Customs officials. They are being harassed in the airports. Even in Air India, the officials are exploiting expatriates, charging high. The Government must come forward to solve these problems. I support this Bill wholeheartedly. Thank you.

**श्री तरुण विजय (उत्तराखंड):** आदरणीय उपसभाध्यक्ष महोदय, माननीय अटल बिहारी वाजपेयी जी ने प्रवासी भारतीयों को अपनी मातृभूमि, पुण्यभूमि से जोड़ने का जो एक बड़ा कार्य अपनी सरकार के समय में शुरू किया था, उसको माननीय नरेंद्र मोदी जी की सरकार आगे लेकर जा रही है, इसलिए इस संशोधन अधिनियम का समर्थन करते हुए, मैं मंत्री जी और सरकार को बधाई देता हूँ। यह बहुत अच्छा काम है। महोदय, भारत के नागरिक विश्व में जहां कहीं भी रहते हैं, भारत उनमें अभिव्यक्त होता है, वे चाहे हिन्दू हैं, मुस्लिम हैं, सिख हैं या ईसाई हैं। मैं अभी हाल में डिफेंस सम्बन्धी स्टैंडिंग कमेटी में आईएनएस विक्रमादित्य पर गया था। वहां उन्होंने हमें बताया कि this is a twelve acre deck of India. Wherever the INS Vikramaditya goes around the globe, that twelve acre India, we say, is moving around the globe.

[MR. DEPUTY CHAIRMAN *in the Chair*]

I must congratulate our former Defence Minister, A.K. Antony saheb, under whose tenure we procured INS Vikramaditya. He gave a wonderful name 'Vikramidtya' and the credit goes to you. And we know that the best Indian NRI, who is the best introduction of India today, is Mahatma Gandhi. वे प्रवासी भारतीय के रूप में भारत आये। उन्होंने भारत की आज़ादी की लड़ाई का नेतृत्व किया और वे पूरे विश्व में भारत का सर्वश्रेष्ठ परिचय हैं। अगर आप कह दें कि you have come from the land of Gandhi, you have come from the land of Pandit Jawaharlal Nehru, people respect you. In spite of our differences in ideologies with Pandit Jawaharlal Nehru, he remains one of the best

[श्री तरुण विजय]

popular and adored Indian Prime Ministers in the world. I was in Japan a couple of months back and I was very happy and pleased to see that the Japanese people have very great respect for Dr. Manmohan Singh, who has very meticulously pursued the East-Asia Policy, specially, focussing on Japan. जहां कहीं हिन्दुस्तानी गया है, हिन्दुस्तान उसके साथ गया है। सर, कोई भारतीय मूल का नागरिक होगा, उसका पासपोर्ट अमेरिकी होगा, जर्मन होगा या किसी भी दूसरे देश का होगा, वह हिन्दुस्तानी अपने पासपोर्ट वाले देश के प्रति पूरी वफादारी और निष्ठा रखता है, उसका दिल हिन्दुस्तान में रहता है, उसकी पुण्य भूमि में रहता है। वह अपने सुख में और अपने दुख में भारत आना चाहता है। They are all children of Mother India. कहीं भी वे जाते हैं, चाहे वे दुबई में गये या मस्कट में गये, हमारे केरल के लोग वहां जाते हैं, सऊदी अरब में काम करने के लिए जाते हैं, तो वे जी-तोड़ मेहनत करते हैं। They work better than any other person in the world, I have no doubt about it and they are very much respected for that; for their integrity and for their hard-workmanship. Especially people from Kerala, Punjab, Gujarat, have made a mark all over the world because of their loyalty to their adopted countries, for honesty and for being a great person of integrity. It is a very good move, Sir, that we are trying to integrate them. It is a great move that we are making them feel that India also feels for them; India is sensitive to their needs, to their spirit and emotions. Sir, whenever a Person of Indian Origin comes to India or whenever an Indian who is working in Dubai or Muscat as a labourer or as a low-income group person comes to India, he is full of happiness. यह एक ऐसी घर वापसी होती है, जिसका सब लोग स्वागत करते हैं। He feels that he is going home. But I am very pained to say that when they enter the Indian territory, when they enter at the Indian airports, they don't feel that warmth, that Mother India children are welcoming them. वे साधारण नागरिक होते हैं। वे अपनी बोरियों में, गनी बैग्स में या पॉलिथिन के छोटे-छोटे बैग्स में अपना सामान बांध कर लाते हैं। कोई दो साल के बाद आता है, कोई पांच साल के बाद आता है, तो कोई 8 साल के बाद आता है, लेकिन हम लोग उनके साथ स्वागत का व्यवहार नहीं करते हैं। बर्नार्ड साहब बोल रहे थे। मैं उनकी बात से पूरी तरह सहमत हूँ। They should be having a feeling of warmth; they should be having a feeling of welcome. पर, ऐसा लगता है कि सब उनको शक की निगाह से देखते हैं। अधिकांश लोग अंग्रेजी नहीं बोल पाते हैं और इस कारण भी उनको वहां पर बहुत तकलीफ होती है। ऐसे लोगों को हम साथ में ले लें। मैं विदेश मंत्रालय का विशेष रूप से आभारी हूँ और उनको बधाई देना चाहता हूँ। सऊदी अरब में ऐसे अनेक मामले हुए, जिनमें से एक में पिता का देहान्त हो गया और तीन महीने से उसका शरीर यहां वापस नहीं आ रहा था, तो सुषमा स्वराज जी ने उस पर तुरंत कार्रवाई की। उन्होंने तमिलनाडु और केरल को उनकी स्थिति सुधारने के लिए बोला।

सर, मैं एक ही बात कहना चाहता हूँ। हम उस देश के निवासी हैं, जहां इस प्रकार का भी अंधविश्वास रहा कि विदेश में नहीं जाना चाहिए। करीब 200 साल पहले गुजरात से दरिया लाल

नामक एक सज्जन इन तमाम अंधविश्वासों को तोड़कर विदेश गए। उन पर उपन्यास लिखे गए, उनका बहुत बड़ा नाम हुआ। यह वह देश है, जहां सारी दुनिया से लोग ज्ञान पाने आते रहे। तक्षशिला और नालंदा जैसे विश्वविद्यालय, जो ऑक्सफोर्ड और कैम्ब्रिज से 2000 साल पहले बने थे, उनमें पूरी दुनिया से स्टुडेंट्स पढ़ने के लिए आते थे। यह स्थिति भारत के आत्मविश्वास को दिखाती है कि हम अधिक से अधिक लोगों को यहां आने के लिए अनुमति दे रहे हैं, "वीज़ा ऑन अराइवल" दे रहे हैं। मोदी जी के नेतृत्व में जो भारत की शक्ति और आत्मविश्वास पूरी दुनिया में बढ़ा है, यह उस आत्मविश्वास का एक परिचय देता है। यह वह देश है जहां अब सूरीनाम और त्रिनिदाद वगैरह देशों से भी लोग आते हैं। जब वहां से लोग आते हैं, तब वे यह कहते हैं कि हम अपने घर जा रहे हैं। फिर वे भारत के नागरिक नहीं हैं। वे वहां भोजपुरी बोलते होंगे, वहां के पासपोर्ट रखते होंगे, लेकिन वे कहते हैं कि हम अपने घर जा रहे हैं और यह जो घर आना है, भारत की सरकार उनके स्वागत के लिए और उनकी सुविधा के लिए यह जो कदम उठा रही है, इसका मैं पूरी तरह से समर्थन करता हूँ। क्यों? क्योंकि जब भारत उठता है, तो उनका सीना गर्व से ऊँचा उठता है। जब भारत का उत्थान होता है, भारत का गौरव बढ़ता है, तो हिन्दुस्तानी दुनिया में चाहे कहीं भी हो, उसका माथा गौरव से ऊपर उठता है। ऐसे लोगों को भारत सरकार पूरी तरह से समर्थन देते हुए उनके लिए अनुकूल वातावरण बना रही है। इसके लिए मैं बहुत-बहुत बधाई देता हूँ, मंत्री जी को बधाई देता हूँ और इस संशोधन विधेयक का समर्थन करता हूँ।

MR. DEPUTY CHAIRMAN: Mr. Derek O'Brien, would you like to say something before the reply?

SHRI DEREK O'BRIEN: No, Sir.

MR. DEPUTY CHAIRMAN: And you are also withdrawing your Resolution?

SHRI DEREK O'BRIEN: I have withdrawn.

MR. DEPUTY CHAIRMAN: Oh! You have already withdrawn the Resolution.

SHRI DEREK O'BRIEN: Yes, Sir.

MR. DEPUTY CHAIRMAN: Now, the hon. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU): Mr. Chairman, Sir, first of all, I would like to extend my gratitude to all the hon. Members who have spoken on this very important Bill and also supported all the provisions mentioned in this Citizenship (Amendment) Bill, 2015.

Sir, I would not like to deal with all the provisions which are getting affected through this Amendment, though the provisions in this Amendment Bill and its objectives are very simple, but the effect...

MR. DEPUTY CHAIRMAN: Everybody is supporting the Bill.

**4.00 P.M.**

SHRI KIREN RIJIJU: Yes, everybody has supported it. So, I would like to mention a few points only. Since most of the Members have made various queries and clarifications, I would like to club it in two-three points so that it can satisfy all the hon. Members.

First of all, the only objection on this matter was with regard to promulgation of Ordinance. For that, I would like to mention that it is an issue of sentiment. Mahatma Gandhi's return to India was 9th January, 1915. So, this year is the centenary year, and on 9th January, it was to complete one hundred years. That is why the Prime Minister had made an announcement in the United States as well as in Australia. So, it was a commitment to that announcement.

Sir, a very few points, I would like to point out as to why it was necessary to bring this Amendment Bill. Firstly, there is a provision of getting Indian citizenship by process of registration or by process of naturalization, birth, descent, incorporation of territory, and there is a provision of termination and deprivation of citizenship.

The second point is about the merger of PIO with OCI. Now why it was necessary to merge is that under PIO. It was up to grandchildren, under the OCI cardholder scheme, it was also up to grandchildren. It has been extended to great-grandchildren.

In the PIO, the foreigner spouse of an Indian OCI cardholder was not allowed. It has been enabled through this Amendment Bill.

Earlier after 180 days, within 30 of these 180 days, the person was required to go to FRO or FRRO. It has now been done away with under the new provision.

Sir, the question which some of the hon. Members had raised was regarding discrimination or harassment in the process. Let me assure this august House that we will ensure and see that the entire process of acquisition of Overseas Citizens of India cardholders is smooth and nobody is made to pass through unnecessary hassles. Even in the immigration process at airports or seaports or wherever it is, we will ensure that it is properly taken care of.

As I have stated earlier. Sir since every body has supported this Bill, I would not like to dwell on the issue. I would like to request for the passing of this Bill.

MR. DEPUTY CHAIRMAN: I shall now put the Resolution moved by Shri Derek O' Brien to vote because it has to be voted. The question is:

That leave be granted to withdraw the Resolution.

*The Resolution was, by leave, withdrawn.*

MR. DEPUTY CHAIRMAN: The question is:

That the Bill further to amend the Citizenship Act, 1955, as passed by Lok Sabha, be taken into consideration.

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

*Clauses 2 to 7 were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI KIREN RIJJU: Sir, I move:

That the Bill be passed.

*The question was put and the motion was adopted.*

#### **The Delhi High Court (Amendment) Bill, 2014**

MR. DEPUTY CHAIRMAN: Now we take up the Delhi High Court (Amendment) Bill, 2014.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Sir, I move:

That the Bill further to amend the Delhi High Court Act, 1966, be taken into consideration.

MR. DEPUTY CHAIRMAN: Mr. Tyagi, do you want to say something?

**श्री के.सी. त्यागी** (बिहार) : सर, मैंने आपसे कहा था कि मैं भी अपनी राय इसमें रखना चाहता हूँ। सर, मैं इस विषय में माननीय मंत्री जी को, प्रधान मंत्री जी को, अरुण जेटली साहब को और रवि शंकर प्रसाद जी को चिट्ठी लिख चुका हूँ। महोदय, लॉ कमीशन की भी रिपोर्ट आई है, जिसमें सभी हाई कोर्ट में कॉमर्शियल बेंच बनाने का भी सुझाव है। तो मेरा कहना है कि वेस्टर्न यू.पी. समेत सभी मामलों को जोड़कर ये अपनी रिपोर्ट दोबारा पेश करें तो ज्यादा अच्छा होगा, वरना यह आधी-अधूरी रह जाएगी और जो इसकी मूल भावना है उसको सपोर्ट करते हुए मैं डिस-एग्री करता हूँ कि कम्प्रेहेंसिव बनाकर के और सभी मामलों को उसमें जोड़ करके एक नई रिपोर्ट तैयार हो।

MR. DEPUTY CHAIRMAN: What is your point? ...*(Interruptions)*..

**श्री अनिल माधव दवे** : सर, मेरा भी same point है। मुझे ऐसा लगता है कि अगर दिल्ली हाईकोर्ट के साथ इसे लाया गया, तो वह comprehensive रहेगा, ज्यादा अच्छा होगा और उसका उपयोग भी होगा।